



U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SUBJECT

COMMERCIAL MOTOR VEHICLE SAFETY
REGULATORY REVIEW PANEL

FHWA ORDER

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1. PURPOSE. To serve as the Charter for the Commercial Motor Vehicle Safety Regulatory Review Panel (Safety Panel) as provided for in the Federal Advisory Committee Act (Pub. L. No. 92-463, 86 Stat. 770 **(1972)**), and to set forth policy and guidelines for its operation.
2. CANCELLATION. FHWA Order 7000.7, Commercial Motor Vehicle Safety Regulatory Review Panel dated July 14, 1987, is cancelled.
3. AUTHORITY. The Safety Panel is established pursuant to section 209(a) of the Motor Carrier Safety Act of 1984 (Pub. L. No. 98-554, 98 Stat. 2829, 2838).
4. SCOPE AND OBJECTIVES. The Safety Panel shall act in an advisory capacity to the Secretary through the Federal Highway Administrator to analyze and review State laws and regulations under sections 207 and 208 of the Motor Carrier Safety Act of 1984.

5. DUTIES

- a. The Safety Panel shall review and analyze all State laws and regulations pertaining to commercial motor vehicle safety submitted to it by the States pursuant to section 207 of the Motor Carrier Safety Act of 1984. The Safety Panel may establish a time for the submission by States of analyses of such State laws and regulations. If any State fails to submit or analyze any State law or regulation pertaining to commercial motor vehicle safety, the Safety Panel shall analyze the laws and regulations of such State and determine which of such State's laws and regulations pertain to commercial motor vehicle safety.
- b. The Safety Panel each year will analyze the laws and regulations of each State and determine which of such laws and regulations pertain to commercial motor vehicle safety.
- c. After the Safety Panel determines under paragraphs a and b above that a State law **or** regulation pertains to commercial motor vehicle safety, the Safety Panel shall:
 - (1) determine if such law or regulation:
 - (a) has the same effect as:
 - (b)** is less stringent than; or
 - (c)** is additional to or more stringent than the regulation issued under section 206 of the Motor Carrier Safety Act of 1984;
 - (2) determine with respect to any State law or regulation which is determined under subparagraph **5c(1)** above to be additional to **or** more stringent than the regulation issued under section 206 of the Motor Carrier Safety Act of 1984 if:
 - (a) there is no safety benefit associated with such State law or regulation:
 - (b)** such State law or regulation is incompatible with the regulation issued under section 206 of the Motor Carrier Safety Act of 1984; or
 - (c)** enforcement of such State law or regulation would be an undue burden on interstate commerce; and
 - (3) notify the Secretary through the Administrator of the determinations made under this subparagraph with respect to such State law or regulation.

- d. The Safety Panel shall conduct a study:
 - (1) to evaluate the need, if any, for any additional Federal assistance to the States to enable the States to enforce the regulations issued under section 206 of the Motor Carrier Safety Act of 1984; and
 - (2) to determine other methods of furthering the objectives of the Motor Carrier Safety Act of 1984.
- e. The Safety Panel shall make recommendations to the Secretary through the Administrator based on the results of the study required by paragraph 5d above.
6. BYLAWS. Subject to this Charter and the Federal Advisory Committee Act, the Safety Panel may establish and maintain bylaws governing meeting procedures and other aspects of Safety Panel activities.
7. DURATION. Continuing.
8. OFFICIAL TO WHOM SAFETY PANEL REPORTS. The Safety Panel reports to the Federal Highway Administrator or his/her designee.
9. SPONSOR AND OFFICE OF SUPPORT
 - a. The Federal Highway Administrator shall be the sponsor of **the Safety Panel and shall furnish support** services from the Federal Highway Administration (**FHWA**) staff.
 - b. Upon request of the Safety Panel, the Federal Highway Administrator shall provide personnel of the FHWA to the Safety Panel as the Administrator deems necessary to assist the Safety Panel in carrying out its duties under this Charter.
 - c. Upon request of the Safety Panel, the Administrator shall provide such office space, supplies, equipment, and other support services to the Safety Panel and its staff as the Administrator deems necessary for the Safety Panel to carry out its duties under this Charter.
 - d. Subject to such rules as the Safety Panel may prescribe, the Administrator may procure temporary and intermittent services under 5 U.S.C. 3109(b) (1982).
10. ESTIMATED ANNUAL COST. The estimated annual cost for members' travel, per diem and other expenses is \$30,000.

11. MEMBERSHIP

- a. The Safety Panel shall consist of 15 members including the Federal Highway Administrator or his/her delegate and 14 other members chosen by the Federal Highway Administrator in accordance with subparagraphs 11b and c below with the approval of the Secretary of Transportation. The terms of the members shall be 7 years. Members may be reappointed. A vacancy in the Safety Panel shall not affect its powers but shall be filled in the manner in which the original appointment was made.
- b. In addition to the Federal Highway Administrator or his/her delegate, the membership composition shall be as follows:
 - (1) Seven individuals appointed by the Administrator, with the approval of the Secretary of Transportation, from among persons who represent the interests of States and political subdivisions thereof and whose names have been submitted to the Administrator by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.
 - (2) Seven individuals appointed by the Administrator, with the approval of the Secretary of Transportation, from among persons who represent the interests of business, consumer, labor, and safety groups and whose names have been submitted to the Administrator by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.
- c. The Administrator, with the approval of the Secretary, shall select the individuals to be appointed under this paragraph on the basis of their knowledge, expertise, or experience regarding commercial motor vehicle safety. Half of such appointments shall be made from names submitted by the Committee on Commerce, Science, and Transportation of the Senate, and the other half of such appointments from names submitted by the Committee on Public Works and Transportation of the House of Representatives. If and whenever necessary to select members pursuant to this paragraph for original appointment or to fill a vacancy, the Administrator, with the approval of the Secretary, may request the submission of additional lists from the appropriate Congressional Committees.

- d. All members are expected to make every effort to attend meetings of the full Safety Panel and any subgroups of which they are members. Members who find they are unable to participate fully should consider resigning so that an active individual may be appointed. The Federal Highway Administrator may, with the approval of the Secretary, revoke the appointment of a member who is unable, or fails to participate, and make a new appointment to fill a vacancy.
 - e. The Administrator of the National Highway Traffic Safety Administration or designee, shall be a nonvoting, liaison member of the Safety Panel.
12. OFFICERS. The Chairperson of the Safety Panel shall be the Federal Highway Administrator or his or her delegate. The Administrator may also designate an Executive Director, a Federal employee, to carry out such duties as the Administrator may assign.
13. MEETINGS
- a. The Safety Panel shall meet at the call of the Chairperson or a majority of its members. Time and place of meetings shall be designated by the Chairperson. Consistent with the provisions of the Federal Advisory Committee Act, no meeting shall be held in the absence of the Chairperson or an agency employee alternate named by the Chairperson. An agenda for each meeting must be approved in advance by the Chairperson or designated alternate, who may adjourn any meeting when he/she determines that to do so is in the public interest. Eight members of the Safety Panel shall constitute a quorum, but the Safety Panel may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.
 - b. The Safety Panel or any member authorized by the Safety Panel, may, for the purpose of carrying out the duties of the Safety Panel under this Charter, hold such hearings, sit and act at such time and places, take such testimony, and take such other actions as the Safety Panel or such member may deem advisable to carry out the duties of the Safety panel under this Charter. Any member of the Safety Panel may administer oaths or affirmations to witnesses appearing before the Safety Panel or before such member.
14. COMPENSATION FOR MEMBERS. The members shall not receive salary compensation, but shall receive per diem and travel expenses in accordance with 5 U.S.C. § 5703 (1982).

15. SUBCOMMITTEES. The Chairperson is authorized to establish subcommittees or task groups, as required, from among the membership of the Safety Panel. The subcommittees and task groups shall comply with all regulations to which the Safety Panel is subject.
16. REPORTS. All Safety Panel and subcommittee reports and recommendations will be submitted by the Chairperson to the Administrator. The Administrator will make periodic reports to the Secretary.
17. FILING DATE. The **filing date**, which is also the effective date of this Charter is JUN 18 1989.